



Rec'd OCT/PTO 24 NOV 2003 #7

Express Mail No.: EV 335 858 469 US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Herr *et al.*

Confirmation No.: 6148

Serial No.: 09/890,709

Group Art Unit: 1653

Filed: January 28, 2002

Examiner: To be assigned

For: METHODS AND COMPOSITIONS  
FOR MODULATING FERTILITY

Attorney Docket No.: 9426-015

**RESPONSE TO NOTIFICATION AND TRANSMITTAL OF SEQUENCE LISTING**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:


In response to the Notification of Defective Response mailed October 23, 2003, a copy of which is attached hereto, and in accordance with 37 C.F.R. § 1.821, Applicants submit herewith a Substitute Sequence Listing in paper and computer readable form pursuant to 37 C.F.R. §§ 1.821(c) and (e).

Submitted concurrently herewith is a second Preliminary Amendment which amends the specification to include the sequence identifiers.

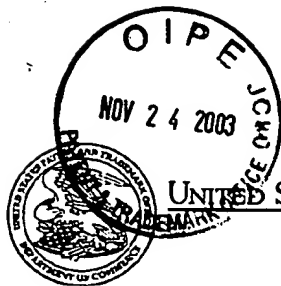
I hereby state that the content of the paper and computer readable copies of the Sequence Listing, submitted herewith are the same. I hereby state that the submission herein under 37 C.F.R. § 1.821(g) does not include new matter.

No fee is believed due. Should the Patent and Trademark Office determine otherwise, please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed for accounting purposes.

Date: November 24, 2003

Respectfully submitted, *by*   
Geraldine F. Baldwin 31,232  
Geraldine F. Baldwin (Reg. No.)  
**PENNIE & EDMONDS LLP**  
1155 Avenue of the Americas  
New York, New York 10036-2711  
(212) 790-9090

Enclosures



UNITED STATES PATENT AND TRADEMARK OFFICE

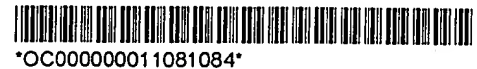
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 09/890,709	FIRST NAMED APPLICANT John C. Herr	ATTY. DOCKET NO. 9426-015
INTERNATIONAL APPLICATION NO. PCT/US00/02675		
I.A. FILING DATE 02/01/2000		PRIORITY DATE 02/01/1999

20583  
PENNIE AND EDMONDS  
1155 AVENUE OF THE AMERICAS  
NEW YORK, NY 100362711

Sequence Listing 11/23/03 @

CONFIRMATION NO. 6148  
371 FORMALITIES LETTER



Date Mailed: 10/23/2003

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Priority Document
- Copy of the International Application filed on 07/31/2001
- Copy of the International Search Report filed on 07/31/2001
- Preliminary Amendments filed on 07/31/2001
- Biochemical Sequence Diskette filed on 07/31/2001
- Oath or Declaration filed on 01/28/2002
- Biochemical Sequence Listing filed on 10/03/2003
- Request for Immediate Examination filed on 07/31/2001
- U.S. Basic National Fees filed on 07/31/2001
- Assignee Statement filed on 07/31/2001

REFERRED TO <u>Baldwin/Thomann</u> REC'D
OCT 28 2003
Pennie & Edmonds O.K. for filing

2421

Applicant's response filed 10/03/2003 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 11/27/2001 have not been completed.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - The application does not comply with the sequence rules. See the attached comment sheet.
  - APPLICANT MUST PROVIDE:
    - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

JOHN L ANDERSON

Telephone: (703) 308-9116

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/890,709	PCT/US00/02675	9426-015

FORM PCT/DO/EO/916 (371 Formalities Notice)

\*Mail with Forms

October 3, 2003

Comment Sheet



**APPLICATION SERIAL NUMBER**

**09/890,709**

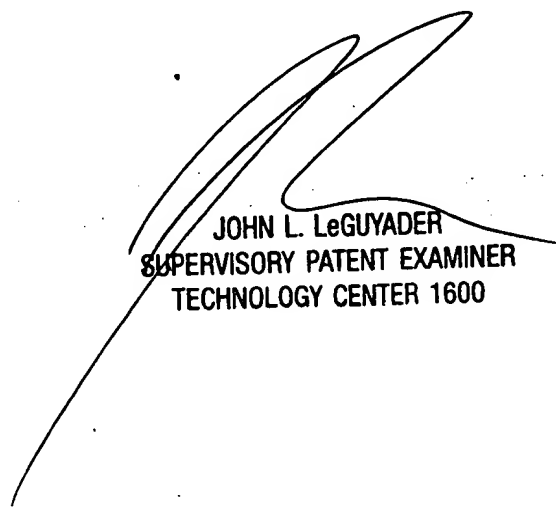
**DOES NOT COMPLY WITH THE  
SEQUENCE RULES. See reasons below.**

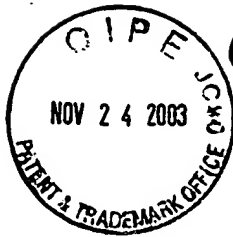
**Sample comments should be specific:**

Page 42 (lines 2 and 3) contains sequences not found in the CRF.

Pages 34 and 35 (lines 24,25 and 13,14, respectively) contain sequences found in the CRF but do not have the corresponding SEQ ID NO for each sequences.

The claims, Figures 3A-3C, and Figures 4A-4B contain sequences found in the CRF but do not have the corresponding SEQ ID NO for each sequences.

  
JOHN L. LeGUYADER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600



October 3, 2003

**PCT/DO/EO Routing Sheet**  
**APPLICATION TO BE**  
**DELIVERED TO:**  
**PCT / DO / EO**  
**(CP2 - 8C13)**  
**LOCA 5610**

**Sequence Rule Compliance Review Item**

<b>X</b>	CRF, paper copy of sequence listing, and statement that both are same missing for sequences on page 42, lines 2-3.
	CRF contains error(s) according to STIC Report
	CRF damaged or unreadable according to STIC Report
	CRF transferred from prior application is not compliant

**Place an "X" in the appropriate box**